

THE HONORABLE JOHN C. COUGHENOUR

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

UNITED STATES OF AMERICA,

Plaintiff,

v.

STEVEN M. BERESFORD, *et al.*,

Defendants.

CASE NO. C21-5345-JCC

ORDER

This matter comes before the Court on Defendants' motion to stay an order pending appeal (Dkt. No. 106). Having thoroughly considered the motions and the relevant record, the Court hereby DENIES the motion for the reasons explained herein.

The facts of this suit have been detailed previously and the Court will not repeat them here. (*See* Dkt. No. 93 at 2–7.) The Court adopted a Report and Recommendation granting summary judgment to Plaintiff on all claims. (*See* Dkt. No. 98 at 1.) Subsequently, the Court granted Plaintiff's motion for decree of foreclosure. (Dkt. No. 105 at 1.) Defendants filed a notice of appeal and a motion to stay the foreclosure order pending the resolution of that appeal. (Dkt. Nos. 107, 106.)

Defendants move to stay this case pending their appeal of the Court's foreclosure decree. (Dkt. No. 106 at 1.) Their motion simply states, "[i]n accordance with FRAP 8(a)(1)(A), Defendants hereby move for a stay of the Order granting a Decree of Foreclosure pending the

1 appeal.” (*Id.*) Defendants do not otherwise provide any substantive basis for the Court to stay
2 this case pending the outcome of their appeal. *See Battle v. Anderson*, 564 F.2d 388, 397 (10th
3 Cir. 1977) (reciting elements courts examine to determine whether stay order pending an appeal
4 is warranted). Furthermore, on September 4, 2024, the Ninth Circuit dismissed Defendants’
5 appeal of the order for lack of jurisdiction, mootng the instant motion. (*See* Dkt. No. 111 at 2)
6 (citing 28 U.S.C. § 1291). Therefore, Defendants’ motion to stay (Dkt. No. 106) is DENIED.

7
8 DATED this 18th day of September 2024.

9
10
11 

12 John C. Coughenour
13 UNITED STATES DISTRICT JUDGE
14
15
16
17
18
19
20
21
22
23
24
25
26